

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 24 OCT 2005

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Applicant's or agent's file reference 113443:SMV	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/AU2004/001409	International filing date (<i>day/month/year</i>) 14 October 2004	Priority date (<i>day/month/year</i>) 14 October 2003
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ H04M 1/02, A45C 11/00		
Applicant SENTINEL GARDENS PTY LTD et al		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 3 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 2 sheets, as follows:</p> <div style="margin-left: 40px;"> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> </div> <p style="margin-left: 20px;">b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;"><input checked="" type="checkbox"/></td> <td style="width: 20%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand 20 May 2005	Date of completion of the report 11 October 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer JAMES WILLIAMS Telephone No. (02) 6283 2599

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/AU2004/001409

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:

☐ international search (under Rules 12.3 and 23.1 (b))

☐ publication of the international application (under Rule 12.4)

☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1,3-10 as originally filed/furnished

pages* 2 received by this Authority on 20 May 2005 with the letter of the same

pages* received by this Authority on with the letter of

☒ the claims:

pages 12-15 as originally filed/furnished

pages* as amended (together with any statement) under Article 19

pages* 11 received by this Authority on 20 May 2005 with the letter of the same

pages* received by this Authority on with the letter of

☒ the drawings:

pages 1-10 as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001409

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-40	YES
	Claims	NO
Inventive step (IS)	Claims 1-40	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-40	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Novelty & Inventive Step

D1: GB 2 267 012 A (NOKIA MOBILE PHONES LIMITED) 17 November 1993

D2: US 6,130,945 A (SHIN) 10 October 2000

D1 discloses a receptacle for retaining a mobile phone, the receptacle having a hinged member which, when closed, protects the functional parts of the phone. The receptacle is meant to be carried by a strap by the user. The receptacle has an attachable antenna so that the phone may be used whilst in the receptacle.

D2 discloses a case for a mobile phone. When the phone, as well as the case, is in the folded position the functional parts of the mobile phone are protected.

None of the citations in the International Search Report discloses all of the features of the claimed invention. They do not disclose the feature of the communication device being operable when retained within the shroud in the open position.

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There is a further cover available for these type of devices. This cover is more robust being made from a thicker, less flexible leather, and incorporate a bulky coupling which secures the cover to a corresponding coupling member fitted to the belt of a user. However, as a result of the increase in size, the communication
5 device, when worn, often knocks against structures and can be dislodged from the belt, particularly in confined areas. This can be particularly dangerous on sites having elevated platforms. As a result of the bulkiness operators often opt not to use the cover but rather carry the communications device in their hand.

The preceding discussion to the invention is intended only to facilitate an
10 understanding of the present invention. It should be appreciated that the discussion is not an acknowledgement or an admission that any of the material referred to was or is part of the common general knowledge in Australia as at the priority date of the application.

It is an object of the present invention to ameliorate, mitigate or overcome, at least
15 one disadvantage of the prior art, or which will at least provide the public with a practical choice.

Disclosure of the Invention

The present invention provides a shroud for protecting a communication device, the shroud comprises a receptacle having an opening to receive the device, the
20 receptacle being adapted to releasably retain the device therein, the shroud is movable between a closed condition and an open condition, wherein in the open condition the communication device is fully operable whilst still being retained in the receptacle, while in the closed condition the communication device is substantially protected from damage.

25 Preferably the shroud comprises a first member. Preferably when the shroud is in the closed condition the first member substantially covers and protects a functional face of the device when the device is received in the receptacle.

The Claims Defining the Invention are as Follows

1. A shroud for protecting a communication device, the shroud comprises a receptacle having an opening to receive the device, the receptacle being adapted to releasably retain the device therein, the shroud is movable
5 between a closed condition and an open condition, wherein in the open condition the communication device is fully operable whilst still being retained in the receptacle, while in the closed condition the communication device is substantially protected from damage.
2. The shroud according to claim 1 comprising a first member.
- 10 3. The shroud according to claim 2 wherein when in the closed condition the first member substantially covers and protects a functional face of the device when the device is received in the receptacle.
4. The shroud according to claims 2 or 3 wherein the first member is hingedly connected to the receptacle at a first end.
- 15 5. The shroud according to claims 2, 3 or 4 wherein the first member is removable from the receptacle when in a predetermined position relative to the receptacle.
6. The shroud according to claims 2, 3, 4 or 5 wherein the first member is releasably locked to the receptacle when the shroud is in the closed condition.
- 20 7. The shroud according to any one of claims 2 to 6 wherein the first member comprises a latch.
8. The shroud according to claim 7 wherein the latch is located adjacent a second end of the first member.
- 25 9. The shroud according to claim 7 or 8 wherein the latch cooperates with the receptacle to releasably secure the first member to the receptacle when the shroud is in the closed condition.